

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1194 be amended to read as follows:

- 1 Page 2, line 13, after "family" delete "of" and insert "**and**".
- 2 Page 3, between lines 27 and 28, begin a new paragraph and insert:
- 3 "SECTION 5. IC 31-33-2-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The local child
- 5 protection service:
- 6 (1) must have sufficient qualified and trained staff to fulfill the
- 7 purpose of this article; ~~and~~
- 8 (2) must be organized to maximize the continuity of responsibility,
- 9 care, and service of individual caseworkers toward individual
- 10 children and families; **and**
- 11 **(3) must provide training, for each staff person who is**
- 12 **involved in the investigation of child abuse or neglect or who**
- 13 **is involved in the provision of treatment services under**
- 14 **IC 31-33-12 or IC 31-33-13 in the duty of the staff person, to**
- 15 **recognize and attempt to uphold the:**
- 16 **(A) statutory rights of a child and any member of a child's**
- 17 **family, including a child's guardian or custodian, who is**
- 18 **the subject of an investigation of child abuse or neglect;**
- 19 **and**
- 20 **(B) right of a child and any member of a child's family,**
- 21 **including a child's guardian or custodian, who is the**
- 22 **subject of an investigation of child abuse or neglect to be**
- 23 **protected against unreasonable search and seizure under:**

**(i) the Fourth Amendment to the Constitution of the United States; and**

**(ii) Article 1, Section 11 of the Constitution of the State of Indiana.**

SECTION 6. IC 31-33-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, the law enforcement agency shall:

(1) immediately communicate the report to the local child protection service, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare; and

(2) conduct an immediate, onsite investigation of the report along with the local child protection service whenever the law enforcement agency has reason to believe that an offense has been committed.

**(b) A law enforcement officer or a member of a local child protection service conducting an onsite investigation shall, upon the initiation of the onsite investigation, inform each person who is the subject of the investigation of the nature of the complaint. The law enforcement officer or the member of the local child protection service is only required to provide a person who is the subject of an investigation with information the person is entitled to receive under IC 31-33-18-2.**

(c) In all cases, the law enforcement agency shall forward any information, including copies of investigation reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to:

(1) the local child protection agency; and

(2) the juvenile court under IC 31-34-7.

SECTION 7. IC 31-33-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The local child protection service shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the local child protection service receives, whether in accordance with this article or otherwise.

(b) Subject to subsections (d) and (e), if the report alleges a child may be a victim of child abuse, the investigation shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

(c) Subject to subsections (d) and (e), if reports of child neglect are received, the investigation shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

1 (d) If the immediate safety or well-being of a child appears to be  
 2 endangered or the facts otherwise warrant, the investigation shall be  
 3 initiated regardless of the time of day.

4 (e) If the child protection service has reason to believe that the child  
 5 is in imminent danger of serious bodily harm, the child protection  
 6 service shall initiate within one (1) hour an immediate, onsite  
 7 investigation.

8 **(f) A member of a local child protection service conducting an**  
 9 **onsite investigation shall, upon the initiation of the onsite**  
 10 **investigation, inform each person who is the subject of the**  
 11 **investigation of the nature of the complaint. The member of the**  
 12 **local child protection service is only required to provide a person**  
 13 **who is the subject of an investigation with information the person**  
 14 **is entitled to receive under IC 31-33-18-2.**

15 SECTION 8. IC 31-33-8-2 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Upon the receipt  
 17 of each report under this chapter of known or suspected child abuse,  
 18 the local child protection service shall contact the law enforcement  
 19 agency in the appropriate jurisdiction.

20 (b) The law enforcement agency, with the local child protection  
 21 service, shall conduct an immediate onsite investigation of the report if  
 22 the law enforcement agency has reason to believe that an offense has  
 23 been committed. The law enforcement agency shall investigate the  
 24 alleged child abuse or neglect under this chapter in the same manner  
 25 that the law enforcement agency conducts any other criminal  
 26 investigation.

27 **(c) A law enforcement officer or a member of a local child**  
 28 **protection service conducting an onsite investigation shall, upon**  
 29 **the initiation of the onsite investigation, inform each person who**  
 30 **is the subject of the investigation of the nature of the complaint.**  
 31 **The law enforcement officer or the member of the local child**  
 32 **protection service is only required to provide a person who is the**  
 33 **subject of an investigation with information the person is entitled**  
 34 **to receive under IC 31-33-18-2."**

35 Page 14, line 13, after "family" delete "of" and insert "and".

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1194 as printed January 30, 2004.)

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Representative Welch